

ORDINANCE 2007-1

TITLED: “Wastewater Disposal Permit Ordinance”

The governing body of Butte County does hereby ordain as follows:

Article I

AUTHORITY AND APPLICATION

Section 1 – Authority

Pursuant to the authority granted by SDCL chapter 11-2, the following regulations are hereby adopted by the County Commissioners of Butte County, South Dakota.

Section 2 – Statement of Purpose

This ordinance is created for the purpose of:

- (1) Being consistent with, and providing appropriate procedures to address, the county’s concern for the public health, safety and welfare of Butte County citizens;
- (2) To allow the county to avert sewage disposal systems in floodplains, in the vicinity of water sources where the possibility of contamination exists, and provide guidance as to following the provisions of the Subdivision Ordinance.

Section 3 – Application

The provisions of this Ordinance shall apply to the entire county, except any city or organized township within Butte County, which has an established wastewater disposal system permit program in effect.

Article II

Authority, Applications and Penalties

Section 1 - Planning Commission Authority

The Butte County Planning Director shall have authority to formulate appropriate forms and procedures to implement this Ordinance and shall have the authority to amend such forms or procedures, from time to time, in order to carry out the purpose of this Ordinance. Procedures shall be implemented so that applications may be sent by mail to the county Planning Director and wastewater disposal system permits may be issued by mail upon receipt of properly prepared applications and the required fee.

Section 2 – Applications

1. Water and wastewater systems

All water and wastewater disposal systems shall conform to SDCL Ch. 34A and administrative rules promulgated there under.

2. Wastewater systems

No person may install, construct, modify, extend, replace, relocate, or operate a wastewater treatment system for the treatment or disposal of human excreta which does not meet the requirements of SDCL Ch. 34A and administrative rules promulgated thereunder and first secure a wastewater disposal system permit from Butte County.

All wastewater disposal systems, except as noted below, shall be designed, and the location approved by a state licensed professional engineer, as per State Law (SDCL) and Administrative Rules (ARSD) pertaining to the same. All wastewater disposal systems shall be installed by state certified installers and their work shall be inspected by a state licensed professional engineer prior to the system being covered to ensure the system was built substantially in the same manner as it was designed. The engineer shall then submit a Post Installation Report as to the same on a form as provided by the Planning Director.

An exception to this rule is for a single wastewater disposal system on a single parcel of 40 or more acres of land. In those cases, the system does not have to be designed by an engineer. All other rules of this ordinance shall apply including the requirement to have a state licensed professional engineer complete an inspection and provide a Post Inspection Report.

Repairs to wastewater systems can be made as necessary under the rules of this ordinance. Repairs are considered to be anything not deemed a modification as the term modification is defined in paragraph 8 of this ordinance.

3. Public wastewater disposal system

Public wastewater disposal systems shall meet standards and specifications required by state law, as may be administered by the Secretary of the Department of Environment and Natural Resources (DENR). No person may construct, install or operate an on-site wastewater system where a public wastewater disposal system is available. In the event a public wastewater disposal system becomes available within 400 feet of an area previously served by individual onsite wastewater disposal systems, the individual or developer shall determine a schedule, subject to approval by the Planning Commission, to abandon, remove or reclaim the old system and connect into the public wastewater system in accordance with ARSD 74:53:01:11. (ARSD 74:53:01:07, SDCL 9-54-10, SDCL 9-48)

4. Plans

Plans and specifications for all installations which receive human excreta, other than a conventional individual on-site wastewater system must be submitted to the DENR for review and approval prior to construction. Installation and operation of such systems shall be in accordance with approved plans and specifications. Plans and specifications must be prepared by a state licensed professional engineer, and must be installed by a state certified installer. The seal of registration must be on all plans and specifications.

5. Minimum lot size All wastewater disposal systems shall be installed on lots in accordance with the lot standards outlined in the county subdivision ordinance.

6. Installation

No installer may engage in the business of the installation of individual, or small on-site wastewater disposal systems without first obtaining a certification to conduct such activities pursuant to South Dakota law. All individual or small on-site wastewater disposal system installations shall be performed in accordance with the provisions of ARSD 74:53:01.

7. Inspection

Inspection of the installation, equipment and operation of an on-site wastewater disposal system may be made at any time by authorized representatives of the state or the county. The planning commission is authorized to oversee individual on-site wastewater disposal systems in the interest of public health and welfare and may require additional percolation or other tests in order to determine the feasibility of on-site wastewater disposal systems.

8. Wastewater Disposal System Permit Process

A Wastewater Disposal System Permit shall be required prior to the installation or modification of any wastewater treatment system. The term modification shall include any construction that requires the relocation, replacement, or extension of any drain field or septic tank. The application fee shall be Ten Dollars (\$10.00). Any misrepresentation on the application or anywhere in the wastewater disposal system permit process shall be considered a violation of the ordinance.

The applicant shall:

A. Provide the following information: name, address, phone, contractor, general location of the property, legal description, and any additional information requested by the engineer.

For a commercial facility, provide the following information: name, address, phone, contractor, general location of the property, legal description, type of facility, and any additional information as requested by the engineer.

B. Only state certified installers may install or modify any wastewater disposal system.

C. The engineer, installer, property owner and/or the builder shall do an on-site evaluation to determine the best location for the septic tank and the drain field.

D. Percolation tests in the proposed drain field area shall be done by the engineer, or by personnel under the engineer's direct supervision. The engineer should require a soil profile.

E. After the engineer has evaluated the percolation test data and/or soil profile, the engineer shall design the wastewater disposal system (not required when a single wastewater disposal system is installed on a single parcel of 40 acres or more of land). The installer shall install the system per the engineer's design and specifications.

Any engineer designing and/or inspecting wastewater disposal systems must be licensed and legally authorized to practice engineering and in good standing in the State of South Dakota.

For a commercial facility or where a wastewater disposal system is serving more than one residence, the engineer's design shall be provided to DENR for a review and approval.

F. A building permit for a residential dwelling or a commercial facility requiring a wastewater treatment system shall not be issued until a wastewater disposal system permit is secured and a professional engineer has designed the system, if the wastewater disposal system permit is required.

G. When the installation of the system is complete, the installer shall, within a reasonable time period, contact the engineer in advance for inspection of the system. The system shall not be covered until the inspection is complete.

H. Ensure that the Wastewater Disposal System Post-Installation Report be submitted within the timeframe required under Section 2, # 9 below. Failure to do so shall subject the applicant to the penalties contained in Section 3 below.

9. Wastewater disposal system Post Installation Report

The engineer shall perform an on-site inspection of the system to ensure the system was built substantially in the same manner as it was designed, and complete the Report on a form provided by the Planning Director. The Report from the engineer inspecting the system shall be provided to the Planning Director for inclusion in applicant's building permit file and for closure of the sewage permit file. There should also be an exhibit, or site plan with location ties from prominent landmarks (structure, property corners, etc.) to the center of the tank and corner of the drain field. The Wastewater disposal system Post Installation Report shall be due to the county Planning Director no later than 30 days after the engineer inspects the system and no more than 180 days after the permit was issued.

Section 3 - Penalties

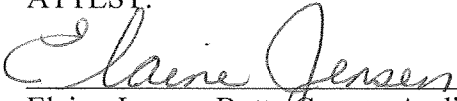
Any individual or entity who fails to abide by any provision of this ordinance shall be subject to a fine of not more than \$500 and/or 30 days in jail.

First Reading: April 18, 2007
Second Reading: May 1, 2007
Adopted: May 1, 2007
Published: May 5, 2007, May 9, 2007
Effective: May 29, 2007

THIS ORDINANCE WILL BECOME EFFECTIVE ON THE 20TH DAY AFTER ITS COMPLETED PUBLICATION. THIS ORDINANCE WAS PASSED BY A MAJORITY VOTE OF THE BUTTE COUNTY COMMISSIONERS.

DATED THIS 1ST DAY OF May, 2007

ATTEST:


Elaine Jensen, Butte County Auditor



Steve Smeenk, Chairman
Butte County Commission

The Commissions' decision to adopt this ordinance may be referred to a vote of the people as provided in SDCL 7-18A.

A referendum petition form for the above ordinance may be obtained from the office of the Butte County Auditor.

Dated at Belle Fourche, South Dakota, this 1st day of May, 2007
Steve Smeenk, Chairman
Elaine Jensen, Butte County Auditor